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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,030	09/15/2003	Jeffrey S. Collins	5887-313U1	2536

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ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

DEODHAR, OMKAR A

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,030

Applicant(s)

COLLINS, JEFFREY S.

Examiner

OMKAR A. DEODHAR

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 & 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Final Rejection

Response to Arguments

Applicant's arguments have been considered but are not persuasive. Applicant's arguments revolve around Binkley allegedly failing to disclose at least a portion of the revenue system being located behind the display housing. Applicant argues that Binkley's card reader 15 & payment apparatus 122" are located completely below the monitor 16".

Examiner cannot agree that Binkley's card reader & payment apparatus are located completely below the monitor. Figure 6 shows that these elements are located **below & behind** gaming terminal 10". Gaming terminal 10" defines a planar surface and from the player's perspective, the card reader & payment apparatus is behind this plane.

To the extent Applicant argues that these elements are located completely below & not behind the display, reference is made to Applicant's Figure 1 & Specification Page 4. Applicant discloses a revenue system 20 that appears to be positioned **above & behind** touchscreen 14. Thus, Examiner must conclude that his characterization of Binkley's card reader & payment apparatus as being located below & behind gaming terminal 10" is consistent with Applicant's own characterization of device location/placement.

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Applicant goes on to cite benefits of their invention, derived from its intended usage. Examiner respectfully submits that benefits derived from the intended usage of Applicant's invention fail to patentably distinguish over prior art.

Consequently, all claims are respectfully rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-11, 13 & 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Binkley et al., US PUB 2003/0060270 (hereinafter Binkley).

Claims 8-11, 13 & 17-20:

Binkley discloses (paragraphs [0009-0010]), "The present invention includes a gaming terminal that includes one or more articulating, or positionable, components. The one or more articulating components of the gaming terminal may be positioned to tailor the gaming terminal to a number of different configurations suitable for games of different body shapes and sizes...the gaming terminal of the present invention includes a processor, as well as a monitor and at least one user input element associated with the processor. The processor, monitor, and at least one user input element may be housed within a single compact cabinet or within separate housings, any of which may articulate

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relative to any of the other components of the gaming terminal...a so-called "flat panel" monitor may be used." Binkley further discloses (paragraphs [0024 and 0027]) , "...one or more user input elements...such as a touch-sensitive regions...or [the] monitor... in addition, [the] gaming terminal...may include a card reader...of known configuration to facilitate the use of account cards (e.g. credit cards, debit cards, house account cards, etc.) to initiate game play at [the] gaming terminal...[the] monitor...may comprise a so-called "flat panel display", such as...a liquid crystal display (LCD) type monitor." Binkley Figures 5 and 6, show a 'rear-mounted support stand--further explained in Binkley paragraphs [0037-0041] Notably, Binkley discloses in paragraph [0036], "...a card reader 15...Gaming terminal 10" may optionally include payment apparatus 122" for receiving, storing, and dispensing currency (i.e., bills and/or coins), as known in the art." Also of note, Binkley discloses in paragraph [0038] that the, "...processor...may be housed within [the] monitor." This anticipates Applicant's limitations of: a flatscreen touchscreen amusement device comprising: a display housing supportable by a rear-mounted support stand, a flat touchscreen disposed within the display housing, an amusement device controller and memory storage device (both anticipated by Binkley's processor) disposed within the display housing, and the rear mounted support stand to support the display housing, and configured to receive a revenue system (card reader, bill/coin acceptor), wherein the flatscreen touchscreen device is a liquid crystal display. Note that Figure 6 shows a card reader 15 & payment apparatus 122" located below & behind the flatscreen display. Thus, the claimed limitation of "at least a portion of the

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revenue system being located behind the display housing" is taught. This is also discussed above in the Response to Arguments section.

Claims 21 & 22:

Note that Paragraph 37 teaches a payment apparatus 122". A coin hopper is a payment apparatus. Payment apparatus 122" is located below & behind the flatscreen display.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Binkley.

Claim 12:

Binkley discloses and illustrates in both Figures 5 and 6 a coin acceptance slot 122" on the 'front' side of the rear-mounted support bracket. However, Binkley fails to explicitly disclose that the coin acceptance 'slot' is located on the top front facing section of the rear-mounted support stand above a top edge of the display housing. In view of Binkley's disclosure of a coin acceptor on the rear-support member, it would have been a matter of obvious design choice to one of ordinary skill in the art at the time of Applicant's invention to position the coin acceptance slot in the claimed manner. This is a mere design consideration failing to patentably distinguish over the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **OMKAR A. DEODHAR** whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/
Primary Examiner
AU 3714